

MINUTES—Regular Meeting  
CHUCKANUT COMMUNITY FOREST PARK DISTRICT  
Wednesday, June 27, 2018  
Fairhaven Branch, Bellingham Public Library  
1117 12<sup>th</sup> St, Bellingham, WA  
Fireplace Room 6:00 to 8:00 PM  
Mailing Address: PO Box 4283, Bellingham, WA 98227

Our Mission: The mission of the Chuckanut Community Forest Park District is to ensure the entirety of the property is protected in perpetuity in public ownership, with respect for its ecological, recreational, and educational functions and to serve as a fiscal mechanism through which the district, via a tax levy, will repay the City of Bellingham for the Greenways Endowment Fund loan.

**Call to order:** At 6:09 PM President V. Biciunas called the meeting to order.

**Roll Call:** Susan Kaun (excused), John McLaughlin, Frank James (excused), John Hymas (Clerk), Vince Biciunas (President).

**Introductions:** Those acknowledged included Bob Carmichael, legal counsel, board secretary Diane Birsner, and guests Michael Chiavario, John Servais and John Brown.

**Motion:** J. Hymas moved to approve today's meeting agenda. J. McLaughlin seconded. Vote was 3-0 to approve.

**Motion:** J. Hymas moved to approve the May 23, 2018 meeting minutes. J. McLaughlin seconded. Vote was 2-0 to approve, with McLaughlin abstaining.

**Public Comment:** No public comments.

**Report:** J. Hymas reported that the June 2018 Parks Advisory Board meeting items included nothing that directly pertained to the CCF.

**Report:** B. Carmichael reported on the conservation easement amendment and proposed trail repairs. He has not received notice that Parks has removed the most recent illegal bike jump or repaired the hole, both of which should be effected this month.

**Update:** V. Biciunas and B. Carmichael reported on their meeting with Rich Bowers of the Whatcom Land Trust (WLT). Carmichael said that Bowers indicated the Land Trust is very interested in assuming CCFPD's conservation easement. Bowers cited five issues, some of which have to do with WLT's national accreditation standards for conservation easements. He's not sure if accepting our conservation easement with its funding contingency (i.e., paying off the Greenways loan or the easement goes away) would be acceptable by their national accreditation standards. If not, WLT might have to wait to assume the easement until after the loan retires. Bowers doesn't think this will be a barrier but again, he's unsure. Regardless, WLT will need to carefully examine the

conservation easement to make sure it meets their standards. Bowers confirmed that the WLT does require a monitor fee, and he will talk to the City about that. Also with regard to a future mountain bike jump, Bowers said the WLT wouldn't have an issue with the quarry area being designated for bikes. Lastly, Carmichael asked Bowers that if the WLT can't take over the easement until the terms of the Greenways loan and interlocal agreement are satisfied, can they lock in an agreement now with WLT, to assume the easement once these terms are satisfied. Bowers said he thought that's possible. Bowers told Carmichael and Biciunas that he would inform them of WLT's July board meeting's discussion regarding our proposal.

J. McLaughlin stated some concerns he has over the WLT's assuming the conservation easement. His greatest concern is that the easement be observed and enforced. The WLT holds an easement to the seventeen acres adjacent to CCF. His observation has been that the WLT has not adequately protected this acreage from degradation. First, WLT did not weigh in on any development proposals of the CCF prior to the Greenways purchase, even though such developments would have been in violation of the WLT conservation easement. During the geotechnical testing and site exploration phase, the geotechnical consultants for the developers drove their heavy equipment throughout the property and drilled test pits into the wetlands buffers protected by the city ordinance and the conservation easement. There was no objection or voice from the WLT regarding the actual violation of the easement. Thirdly, despite the rogue encampments and trail building going within the WLT's easement, the Land Trust has not—to McLaughlin's knowledge—voiced its objection. All this indicates to McLaughlin a lack of engagement on the part of the WLT to protect its own easement, and gives him pause for transferring CCF's conservation easement with substantial monitoring funding to an entity that hasn't defended its own easement in the same area. McLaughlin said he'd want some explanation for that, and some assurance that things would be different going forward, and some participation of the WLT in the ongoing negotiations with the city. Carmichael queried McLaughlin if he has any alternatives to the WLT assuming our easement. McLaughlin replied that he and commissioner Frank James discussed the possibility of CCFPD continuing to function as stewards of the conservation easement after the loan is repaid, and that the monitoring funds could go toward legal fees incurred for enforcing the easement. Biciunas reminded McLaughlin that the board is bound by the agreement to disband when the loan is retired, and Carmichael added that in order for the park district to hold onto the easement, a new interlocal agreement and conservation easement would have to be constructed, to which the city may not agree. Carmichael suggested that an interested group of citizens committed to monitoring the conservation easement could form a 501(c)(3) for that purpose. Biciunas said those citizens could join the WLT and be active in monitoring the easement through the Land Trust. As stewards, McLaughlin added. He said that personally he thinks the WLT has the most knowledge and expertise to monitor the easement, and they have a good track record for monitoring other properties. They would be the best fit if he could receive reassurances from WLT that they're committed to protecting the CCF.

**Update:** D. Birsner reported that the website has been updated per the board's instructions from last month's meeting.

**Monthly expenses and cash flow sheets:** Submitted by D. Birsner, Secretary and J. Hymas, Clerk.

**Treasurer's Report:** The Whatcom Co. Treasurer's Monthly Report for May 31, 2018, beginning unencumbered cash balance was \$336,820.21, ending unencumbered cash balance was \$197,250.04.

**Petty Cash:** J. Hymas. Heritage Bank account balance as of 05/31/18 is \$2,669.17.

**Update:** J. Hymas and V. Biciunas reported that they have moved the petty cash funds and safe deposit box contents to the Whatcom Educational Credit Union. Safe deposit box contents include the following original documents: interlocal agreement, conservation easement, baseline study, and insurance documents. She will add the agent assignment letter to the safe deposit box.

**Report:** D. Birsner. Final legal defense costs are:

2015: \$41,108.50

2016: \$40,915.15

2017: \$22,840.36

2018: \$6,547.00

Total costs: \$111,411.01

**Report:** D. Birsner reported that the 2018 Secretary of State's annual nonprofit corporation report is due July 31, 2018. Prior clerk J. Brown filed it online for the park district, but Biciunas directed J. Hymas to refile the 2018 report to reflect the current clerk's signature.

**Next meeting:** Wed. August 22, 2018, Fairhaven Library, Fireplace Rm., 6:00 PM

**Motion:** J. Hymas moved to approve the District Payroll Input Form, wages for Diane Birsner, 14.75 hours in May 2018, total gross of \$368.75. J. McLaughlin seconded. Vote was 3-0 to approve.

**Consent Agenda:** J. McLaughlin move to approve the following payments. J. Hymas seconded. Vote was 3-0 to approve.

Payment on the May 15, 2018 Invoice # 83829 to Carmichael Clark PS for \$297.00 for general legal services.

Payment on the June 11, 2018 Invoice #2051 to Highwaters Media LLC for \$227.50 for website services.

**Old or new business:** None

**Adjourn:** Time: 6:45 PM.